



Agenda Item Number: 2008-4-6A

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: April 8, 2008

Department: Sheriff **Staff Contact:** John Dantis, Deputy County Manager for Public Safety
Darren White, Sheriff

TITLE: TruTouch Technologies Agreement

ACTION: Motion to Approve:

1. The Sole Source Agreement with TruTouch Technologies of Albuquerque, to provide Alcohol Screening and Testing Prototype Equipment to the Bernalillo County Sheriff's Department.
2. The Agreement with TruTouch Technologies, Inc. in the amount of \$379,995.00 including GRT for three (3) 1800BC TruTouch units and related services.

SUMMARY:

In 2005, the Bernalillo County Sheriff's Department was selected by U.S. Representative Heather Wilson to take part in a dramatic study that has the potential to revolutionize the technology for detecting alcohol levels in a human subject. This biometric non-invasive method was already being developed by TruTouch Technologies, Inc. of Albuquerque, NM. Congresswoman Wilson understood that the incidences of drunk driving in New Mexico were alarmingly high and the standard technologies to measure blood alcohol, breathalyzers and venous blood draws, were difficult to safely administer in the field, and often not accurate. TruTouch's non-invasive method of determining alcohol levels in a person have proven to be safe, easier to administer, and accurate. Representative Wilson working with the Department of Justice, COPS Technology Office awarded the County two (2) grants to work with TruTouch on making the non-invasive biometric technology applicable to law enforcement needs. The Department of Justice has already approved TruTouch as a sole source vendor for the development phase of this project (See Attachment 2, BJA Sole Source Approval and Justification).

Now, that this phase of the development of the project is complete Senator Kent Cravens has sponsored two Senate bills to provide funding to Bernalillo County to purchase prototype non-invasive biometric devices for testing in the field. The Bernalillo County Sheriff's Department has agreed to participate in this field testing phase by managing and awarding the state grant money contracts, as well as being the first law enforcement agency in the United States to test this technology in "real life" law enforcement situations. If this sole source is approved, the procurement will allow for the non-invasive biometric sensor project to move forward through the gathering of data and determining the workability of the instrument for further development. The data and information from this testing will also be forwarded on to Representative Wilson, Senator Cravens, as well as Governor Richardson's office for review. The equipment purchased will remain the property of Bernalillo County. The Sheriff's Department has been awarded two Special Appropriations from the New Mexico State Legislature to purchase non-invasive alcohol

and screening prototype equipment for the purpose of detecting and measuring alcohol levels in motorists while driving under the influence. The total amount of the two appropriations is \$380,000. Both appropriations were sponsored by State Senator Kent Cravens of Albuquerque. The non-invasive alcohol screening equipment is part of Bernalillo County's on-going initiative to develop "State of the Art" testing equipment for the interdiction and prevention of drunk driving.

The three devices that Bernalillo County would like to purchase have the ability to detect alcohol levels in external skin tissue without having to resort to invasive techniques such as breathalyzers and venous blood samples (See Attachment 1, Sole Source Justification and Vendor's Letter of Affidavit). Once developed, approved by the court system, and made portable enough for law enforcement use, it is our goal to replace the more invasive alcohol measurement equipment with the non-invasive biometric devices. TruTouch Technologies of Albuquerque is the leading bio-medical firm in this technology. TruTouch has already developed several generations of prototypes and is continuing to develop and test smaller portable versions of this technology for law enforcement use.

ATTACHMENTS:

1. Sole Source Justification and Vendors letter of affidavit.
2. BJA Sole Source Approval
3. Agreement between County and TruTouch Technologies
4. Campaign Contribution Disclosure Form

FISCAL IMPACT

Funding for this project is available from BC07-588800-03RZ and BC07-588800-03SA accounts.

STAFF ANALYSIS SUMMARY

COUNTY MANAGER

See summary. I recommend Board approval. 4/3/2008

DEPUTY COUNTY MANAGER FOR PUBLIC SAFETY

The BCSO participated in the field testing of the new technology. Their experience with this technology gives them the ability to implement the system without delay. I recommend approval of this item. jdantis 4/1/08

LEGAL

Approved as to form and legal sufficiency. JSL 3/31/08

FINANCE

Budget

Funds have been received from the NM State Legislature in the amount of \$380,000.00 for Bernalillo County to purchase this equipment. Funds are available in BC07-03RZ and BC07-03SA. Because the County is serving as the testing agency for these prototypes, the vendor will provide any support, maintenance, and repair associated with the testing of this product in the field. Jennifer N. Gallegos, Financial Administrator, 02/20/2008

- Purchasing** Based on the combination of facts presented in the Agenda item and Attachment 1, "Sole Source Letter and Justification Form" the Purchasing Department has determined this procurement method to be in the best interest of the County. Mary Rios, Senior Buyer 3/4/08.
- Contracts** A contract number will be issued once all signatures have been obtained on the Agreement. Mary Rios, Senior Buyer 3/4/08.
- Risk Management** The Contractor shall provide a certificate of insurance naming the County as an additional insured with the like kinds and amounts of insurance referenced in Section 12 of the Agreement. David A. Baca, Risk Management Director. 2/28/08

ELECTED OFFICIAL/OTHERS

Sheriffs Department:

The Sheriff's fully supports the Sole Source contract award to TruTouch Technologies of Albuquerque. TruTouch has demonstrated that they are the only bio-medical research firm that has the current technology to test, develop, and manufacture the non-invasive bio-sensor units. The department has actually done preliminary field work with a prior generation device in conjunction with TruTouch and were very encouraged by the efficacy of the capabilities and results provided by this equipment. The Sheriff's Department will over-see the project and expenditure of grant funds and submit all necessary reports to the proper agencies. Darren P. White, Sheriff - 2/19/2008